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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/596,260	02/06/2007	Raymond G. Roth	PAT 53988W-2	4571

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BORDEN LADNER GERVAIS LLP
Anne Kinsman
WORLD EXCHANGE PLAZA
100 QUEEN STREET SUITE 1100
OTTAWA, ON K1P 1J9
CANADA

EXAMINER

STEPHENSON, DANIEL P

ART UNIT	PAPER NUMBER
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3676

NOTIFICATION DATE	DELIVERY MODE
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10/14/2010

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ipinfo@blgcanada.com

DETAILED ACTION

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 9-11, 22, and 23 are rejected under 35 U.S.C. 101 because the disclosed invention is inoperative and therefore lacks utility. Analysis of the Applicant's disclosure reveals the following to the Examiner:

- The pullhead 24 must move from right to left with respect to figure 2 (i.e., towards the motor 16)
- The pullhead 24 creates a borehole that has a diameter approximately equal to the diameter of the pullhead at second end 26 (page 7, lines 15-21)
- Slurry jets 50 release drilling fluid from the rear of the pullhead and into the annulus between the steel connect 28 (and/or casing 30) and the borehole previously drilled by the pullhead (figures 4 and 6); thus the slurry created by the mixing of the drilling fluid and the mud must be located in the annulus *behind* the pullhead (emphasis added)

Therefore, it appears that the Applicant's claimed invention cannot operate as currently claimed. If the diameter of the borehole is approximately equal to the diameter of the pullhead and the slurry jets release the drilling fluid into the annulus behind the pullhead, then it is unclear to the Examiner how the slurry created by the drilling fluid then could ever be forced to leave the annulus behind the pullhead, travel between the borehole and the pullhead (which are said to be of diameters that are approximately equal), and then be made to enter through the flutes 48 of the

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pullhead so that the slurry can then travel to and through the interior of the pipe being laid.

Without any specific structure or disclosure to the contrary, it appears that the drilling fluid leaving the slurry jets 50 will mix with the mud in the annulus behind the pullhead to create a slurry, said slurry will then either be simply left in the borehole and/or travel along the borehole in a direction opposite to that of the pullhead. Thus, again, it does not appear that the Applicant's disclosed invention can operate in the claimed manner because it does not appear to be physically possible for the slurry to be guided directly through the pullhead to an interior of the pipe.

Response to Arguments

2. The use of evidence, in the form of videos, within the remarks is not a sufficient argument. Evidence should be submitted in the form of an affidavit under 37 CFR 1.131 or 1.132, indicating who is making the declaration. While the videos do show something that may be the applicant's device and method as claimed, it is not a persuasive argument, as it does not show specifically what is occurring at the bit, but merely a pipe ejecting what appears to be a slurry of fluid and the preparation and binning of drilling under a river.

Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL P. STEPHENSON whose telephone number is (571)272-7035. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shane Bomar can be reached on (571) 272-7026. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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/DANIEL P STEPHENSON/
Primary Examiner, Art Unit 3676